

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUCKY BRAND DUNGAREES, INC.,
LIZ CLAIBORNE, INC.,

Plaintiffs,

vs.

Civil Action No. 05 CV 6757 (LTS) (MHD)

ALLY APPAREL RESOURCES LLC d/b/a
GET LUCKY, KEY APPAREL
RESOURCES, LTD., MARCEL FASHION
GROUP, INC., and EZRA MIZRACHI,

Defendants.

**DEFENDANTS' OBJECTIONS AND REVISIONS TO PLAINTIFFS' PROPOSED
VOIR DIRE**

Dated: May 5, 2009

McKOOL SMITH, P.C.

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Attorneys for Defendants

I. Case Specific Requests

1. Can you distinguish colors? **(Defendants object to this question as improper since neither party has asserted a protectable interest in the color of the garments and logos at issue).**

2. If not, are you colorblind? **(Same objection as above).**

3. Are you interested in fashion? If so, how and why?

4. What types of **[clothing]** stores do you enjoy shopping in? **(Defendants do not object to this question if it is limited to clothing stores).**

5. What types of products do you shop for? **(Defendants object to this question as overly broad and confusing).**

6. Do you wear jeans?

7. If so, do you wear a particular brand of jeans?

8. In what situations do you wear jeans?

9. **(Additional questions)** Are you familiar with garments made by either of the two sides in this case, Lucky Brand Dungarees or Get Lucky?

10. If so, will you be able to put aside what you know about either brand and judge the facts of the case with an open mind?

II. Possible Witnesses to Mention to Jury [Defendants object to this request to the extent that it does not list all of the potential witnesses. Accordingly, we have supplemented the list with additional names]

1. Barry Perlman

2. Erich Joachimsthaler

3. Terry G. Lankford
4. Paula Ring
5. Kevin Enders
6. Louis R. Gigliotti, Esq.
7. Tim Butler
8. David Cohen
9. Richard Berrios
10. Jeffery Stec
11. Gene Bolmarcich
12. Scott Gelin
13. Sophia Tsokos
14. Ezra Mizrachi
15. Amy Hennisch
16. Tony Pasquale
17. Elizabeth Munoz
18. Jackie Goldberg
19. Michelle Hirsch
20. Shaul Nakash
21. Thomas Garner
22. Jim Mudgett
23. Heather Green
24. Bridget Wirtz
25. Lisa Loehrlein

26. Katherine Thornburgh

27. Daniela Lattes

III. Personal Background

The Defendants also request that the following general categories be covered:

Including facility with English, hearing, sight, and the usual detail identifying the juror's age, marital status, children, hobbies, interests, and organizations.

IV. Work Background

Information about current job and previous work experience.

Nature of work experience

Spouse and family's work experience

V. Educational Background

Questions to determine the educational background of each juror.

VI. Trademark Issues

Have you, or any member of your family, ever been involved in a trademark infringement case?

If so, what were the circumstances and what was the outcome?

Do you or does any member of your family own any trademarks. If so, what? Are they registered?

Have you or any member of your family to your knowledge ever made a claim against another person or company for a trademark violation?

Have you or any member of your family to your knowledge ever been subject to a claim for a trademark violation?

VII. Contract Issues (Defendants propose the following additional questions)

Have you ever been a party to a contract?

If so, was any party accused of breaching the contract? What were the circumstances?

VIII. Previous Jury Experience

Questions to determine the potential juror's prior experience as a juror and any impact that might have or their ability to sit in this case.

VIII. Lawsuits

Questions to determine whether the potential juror has been involved in a lawsuit, if so, what was involvement, nature of case, result, and what was his/her impression of the legal system as a result.